

GOVERNAMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Commercial Taxes - Department – Sri K.China Swamy, Assistant Commercial Tax Officer (Retired) Allegation of demand and acceptance of Bribe – Convicted by the ACB Court, Vijayawada in CC.No.4/96- A.O. filed CA in High Court – Hon’ble High Court set aside the Trial Court orders in C.A.No.27/2001- A.O. filed O.A.No.7255 of 2007 in A.P.A.T for all eligible payments such as Annual Increments, pension benefits, Gratuity etc –Sanction of provisional pension –Order-Issued.

REVENUE (VIG.I) DEPARTMENT

G.O.Rt.No. 963

Dated.12.07.2010
Read following.

1. Judgment of the Spl. Court dated.29.12.2000 in CC.No. 4/96.
2. High Court orders dated.25.4.2006 in C.A.No.27 of 2001
3. Judgment of APAT inO.A.No.7255 of 2007.Dated.22.4.2010.
4. Representation dated.1.6.2010 of Sri K.China Swamy, ACTO (Retired).

ORDER:-

1. Where as in the reference 1st read above Sri K.China Swamy, Assistant Commercial Tax Officers (Retired), Gudiwada, Krishna District was convicted by the ACB Spl .Court , Vijayawada in C.C.No. 4/96 on the allegation of demand and acceptance of Bribe and accordingly he was dismissed from service vide D.C. (CT), Vijayawada-I Proc. No.RC.A1/1109/95 dt. 24.1.2001.
2. Whereas the said Accused Officer Sri K.China Swamy has filed a C.A.vide No.27/2001 in Hon’ble High Court against judgment of the ACB Spl. Court dated.29.12.2000.
3. Whereas in the reference 2nd cited above, the Hon’ble High Court set aside the Judgment of the ACB Spl. Court issued in C.C.No. 4/96.
4. Whereas Sri K.China Swamy, Assistant Commercial Tax Officer has filed a O.A.No.7255 of 2007 for his eligible benefits such as Annual Increments, Promotion, Pension benefits, Gratuity etc.
5. In the reference 3rd read above, the Hon’ble A.P. Administrative Tribunal has pronounced the judgment stating that notional reinstatement orders have to be issued and the consequential benefits of increments and other benefits should be worked out by treating the period of suspension as duty. Since the applicant did not work during the suspension period, he is not entitled for monetary benefit except the subsistence allowance. Accordingly, the O.A. was allowed and the respondents were directed to pass appropriate orders within three months.
- 6 Keeping in view of the orders passed by the Hon’ble A.P. Administrative Tribunal, Government hereby decide to implement the said A.P. Administrative Tribunal orders and accordingly order that the period of suspension of Sri K. China Swamy, Assistant Commercial Tax Officer (Retd.) from 8.8.1995 to 24.3.1999 shall be treated as on duty for the purpose of calculation of annual increments and other benefits. He would also be deemed to have been notionally reinstated to duty w.e.f. 25.4.2006 i.e. date of his acquittal by the Hon’ble High Court till his date of retirement on superannuation. He would however not be entitled for monetary benefits for the period under suspension except for the subsistence allowance since

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he did not work during the suspension period. Government also hereby decide to sanction provisional pension to Sri K.China Swamy as calculated after allowing the above mentioned benefits, pending disposal of the Criminal Appeal by the Hon'ble Supreme Court.

7. Copies of the reference 2nd & 3rd cited are communicated to the Commissioner of Commercial Taxes and he is requested to take immediate action in the matter and the Action Taken Report in this regard should be sent to the Government at the earliest.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**ASUTOSH MISHRA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Commissioner of Commercial Taxes,
Hyderabad.

Copy to:-
Sri K.China Swamy, Assistant Commercial Tax Officer
(Retired) through Commissioner of Commercial Taxes,
A.P.Hyderabad.

The Government Pleader for Revenue(Ser.,),
A.P. Administrative Tribunal, Hyderabad.

// FORWARDED BY ORDER//

SECTION OFFICER